

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LISA M. MOORE,

Plaintiff,

v.

GLAXOSMITHKLINE CONSUMER
HEALTHCARE HOLDINGS (US) LLC, et
al.,

Defendants.

Case No. 20-cv-09077-JSW

**REQUEST FOR CLARIFICATION RE
MOTION FOR APPROVAL OF CLASS
ACTION SETTLEMENT**

Re: Dkt. No. 129

The Court has received Plaintiff's motion for approval of the Rule 23(b)(2) class action settlement, service award, and attorneys' fees and costs. (Dkt. No. 129.)

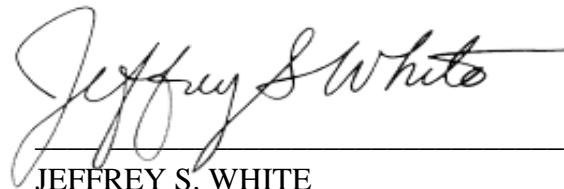
On January 30, 2024, the Court granted Plaintiff's motion to certify a class under Rule 23(b)(2). (Dkt. 108.) The Court denied without prejudice the motion to certify a class under Rule 23(b)(3) on grounds that Dr. Michael Dennis' consumer perception surveys and conjoint surveys did not sufficiently isolate the challenged language. (*Id.* at 10–11; 17–18.) In so ruling, the Court specifically cited two decisions in this Circuit in which courts denied class certification on grounds that Dr. Dennis failed to isolate challenged language in conjoint surveys, but granted renewed motions for class certification after plaintiffs had remedied this specific deficiency. (*Id.* at 18 (citing *McMorrow v. Mondelez Int'l, Inc.*, 2021 WL 859137, at *7 (S.D. Cal. Mar. 8, 2021) and *Vizcarra v. Unilever United States, Inc.* 2023 WL 2364736 (N.D. Cal. Feb. 24, 2023.)))

In the class action context, district courts must evaluate whether a proposed settlement is "fair, reasonable, and adequate." Fed. R. Civ. P. 23(e)(2); *see also Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1027 (9th Cir. 1998) (In reviewing a proposed settlement, a court must determine whether it is "fair, adequate and free from collusion.") Given the limited scope of the Rule

23(b)(3) deficiencies identified in the Order, the Court **ORDERS** Plaintiffs to clarify the rationale behind Plaintiff's apparent abandonment of potential remedies under Rule 23(b)(3) by August 22, 2024.

IT IS SO ORDERED.

Dated: August 9, 2024



JEFFREY S. WHITE
United States District Judge